

BOUNDARY DISPUTES

WITH ONE HUNDRED ILLUSTRATIONS
SETTLED AND UNSETTLED. 25 25

ANNUAL ADDRESS

REPORTED BY

WASHINGTON PIONEERS

JUNE 7, 1899



BY

JUDGE C. H. HANFORD



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With My Compliments
Cornelius H. Hanford

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Annual Address Before the Washington Pioneers

JUNE 7th, 1899.

By JUDGE C. H. HANFORD

Less than sixty years ago the title to and sovereignty over all the territory then called Oregon and now comprising the states of Oregon, Washington, Idaho and that part of Montana west of the summit of the Rocky mountains and British Columbia, was a subject of contention between the governments of the United States and Great Britain. The first negotiations for the settlement of the boundary between British America and the territory of the United States west of the Rocky mountains having resulted in failure, it was provided by the third article of the convention of October 20, 1818, between Great Britain and the United States as follows:

and Wyoming

"It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention to the vessels, citizens and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves."

Other attempts to settle definitely and finally the disputed boundary were made in 1824 and 1826 and in 1827, and were unsuccessful. In the latter year the agreement of 1818 was renewed for an indefinite period, except that it was provided that either government might annul the agreement after October 20, 1828, upon giving twelve months' notice to the other contracting party. Under this agreement, until the treaty of

June 15, 1846, Oregon was in a legal sense in the joint occupancy of the citizens and subjects of the two countries, and during this period of joint occupancy the Hudson's Bay Company and its co-adjutant, the Puget Sound Agricultural Company, established numerous trading posts and forts and were active and untiring in endeavoring to monopolize all trade with the Indian tribes and to maintain in that part of the territory north of the Columbia river exclusive control in the hope that it might be held permanently as British soil. The agents and factors of the Hudson's Bay Company were usually gracious and accommodating to American travelers and emigrants arriving at their establishments; nevertheless they were adroit and zealous in their efforts to carry out the policy of their master to prevent Americans from gaining any foothold north of the Columbia river, although by the terms of the conventions of 1818 and 1827 equal privileges in the whole and every part of the territory claimed by both countries west of the Rocky mountains, and in the waters and harbors thereof, was guaranteed alike to American citizens and British subjects. The government of Great Britain had granted to this company the exclusive right to trade with the Indians and obtain furs and skins within the limits of a vast extent in British America, including all the territory west of the Rocky mountains, and to maintain that valuable monopoly over as much territory as it could possibly cover the energies of this company were exerted to the utmost. The United States government claimed as the proper boundary an extension eastward of the line agreed upon by a treaty between the United States and Russia, and afterward confirmed by a treaty between Russia and Great Britain as the southern boundary of the southeast part of Russian-America, now called Alaska, that being the line of 54 degrees 40 minutes north latitude, but in several attempts made previous to the treaty of 1846 to settle the dispute, had offered to compromise by extending the line between Canada and the United States territory east of the Rocky mountains westward to the Pacific ocean, this line being the forty-ninth parallel. This extremely generous offer was always rejected and was met by a counter proposition that the Columbia river from the intersection of its most northeast branch with the forty-ninth parallel to the ocean should be the boundary, and that the river should be always free and open to the people of both countries; and that the United States should have a detached piece of country fronting the Pacific ocean and the Strait of Juan de Fuca and

comprised within the present counties of Clallam, Jefferson, Chehalis and Mason, and that there should be free to the United States any Pacific coast harbor on the mainland or Vancouver island south of the forty-ninth parallel which our government might select.

The contention for sovereignty did not deter the hardy American pioneers of the West from emigrating to Oregon. Immediately after the acquisition of Louisiana by purchase from Napoleon, the expedition of Lewis and Clarke was sent by the first great advocate of the idea of American expansion, President Thomas Jefferson, to trace the great river of Oregon from its source, and explore the country through which it flows to the sea; the explorers were followed by trappers and fur traders; after them came the missionaries, and they were followed by farmers and mechanics, who were accompanied on their long and perilous journey by their families, for they came to settle down permanently upon the soil and to set up and maintain the institutions of the American republic. The conditions created by diplomacy, however, prevented our government from extending American laws or exercising governmental authority within the territory prior to the treaty of 1846. Our government kept faith. The pioneers believed in their own capacity for self-government, and although they were ever true in their allegiance to the United States, their necessities required that they should have laws and the governmental machinery necessary to preserve good order and protect individuals in their rights, and to this end, without waiting for the sanction of the national government, they set up a provisional government of their own, which was maintained from the year 1843 until superseded by the territorial government provided by the organic act passed by congress in the year 1848. This provisional government was participated in by British subjects and was respected by the Hudson's Bay Company, but only to a limited extent; south of the Columbia river its laws could be enforced, but not so on the north side. The Hudson's Bay Company was itself a government, and in some respects very tyrannical, and besides the British home government was not so punctilious as the United States in observance of the spirit as well as the letter of the conventions providing for the joint occupancy of Oregon, for in the year 1821 parliament passed an act regulating the fur trade in British America and by the same act asserted civil and criminal jurisdiction over British subjects engaged in the fur trade in Oregon. The conditions

existing just prior to the treaty of 1846 are shown in the following extract from the first annual message to congress by President James K. Polk:

"Beyond all question the protection of our laws and our jurisdiction, civil and criminal, ought to be immediately extended over our citizens in Oregon. They have had just cause to complain of our long neglect in this particular, and have in consequence been compelled for their own security and protection to establish a provisional government for themselves. Strong in their allegiance and ardent in their attachment to the United States, they have been thus cast upon their own resources. They are anxious that our laws be extended over them, and I recommend that this be done by congress with as little delay as possible in the full extent to which the British parliament has proceeded in regard to British subjects in the territory by its act of July 2, 1821, 'for regulating the fur trade and establishing a criminal and civil jurisdiction within certain parts of North America.' By this act Great Britain extended her laws and jurisdiction, civil and criminal, over her subjects engaged in the fur trade in that territory. By it the courts of the province of Upper Canada were empowered to take cognizance of causes civil and criminal. Justices of the peace and other judicial officers were authorized to be appointed in Oregon with power to execute all process issuing from the courts of that province, and to 'sit and hold courts of record for the trial of criminal offenses and misdemeanors' not made the subject of capital punishment, and also of civil cases where the cause of action shall not 'exceed in value the amount or sum of £200.'

"Subsequent to the date of this act of parliament a grant was made from the 'British crown' to the Hudson's Bay Company of the exclusive trade with the Indian tribes in the Oregon territory, subject to a reservation that it shall not operate to the exclusion 'of the subjects of any foreign states who, under or by force of any convention for the time being between us and such foreign states respectively, may be entitled to and shall be engaged in the said trade.' It is much to be regretted that while under this act British subjects have enjoyed the protection of British laws and British judicial tribunals throughout the whole of Oregon, American citizens in the same territory have enjoyed no such protection from their government. At the same time, the result illustrates the character

of our people and their institutions. In spite of this neglect they have multiplied and their number is rapidly increasing in that territory. They have made no appeal to arms, but have peacefully fortified themselves in their new homes by the adoption of republican institutions for themselves, furnishing another example of the trust that self-government is inherent in the American breast and must prevail. It is due to them that they should be embraced and protected by our laws."

Immediately after the provisional government had been perfected, in the year 1845, the legislature sent a memorial to congress, setting forth the true condition of the inhabitants. This was presented to the United States senate by Thomas H. Benton, and in his introductory remarks that great American statesman passed the following encomium upon the memorial and the pioneers who drafted it:

"These petitioners stated that, for the preservation of order, they had among themselves established a provisional and temporary government, subject to the ratification of the United States government. The petition sets forth, in strong and respectful language, arguments why the citizens residing in that section of country should be protected for the purpose of preserving their rights, and also as a means of preserving order. The memorial was drawn up in a manner creditable to the body by which it was presented, to the talents by which it was dictated, and to the patriotic sentiments which pervaded it; and the application was worthy of a favorable consideration for its moderation, reasonableness and justice. As the best means of spreading the contents of this petition before the country, and doing honor to the ability and enterprise of those who presented it, he moved that it be read at the bar of the senate."

I have quoted Benton's words to prove that the pioneers were not a lawless class of people, nor ignorant nor dishonest. They did not forsake their homes and seek freedom in the wilderness to escape from persecution or oppression. They were simply American expansionists, who in the long ago had faith to believe that the American republic was destined to rule the American continent; they had discovered that the land was good, the climate salubrious, the scenery grand, and that all the natural conditions were conducive to health, prosperity and happiness, and they came to Oregon to be the founders of the new states.

The boundary as finally agreed to and described in the treaty of 1846 was proposed by Lord Aberdeen, who at that time was the British secretary of state for foreign affairs, and his offer was submitted to our secretary of state by the British minister at Washington. The line follows the forty-ninth parallel westward to the middle of the channel which separates the continent from Vancouver island, and is drawn thence southerly through the middle of the said channel and of Fuca's straits to the Pacific ocean. President Polk submitted the offer so made by the British government for consideration by the United States senate, and pursuant to a resolution of the senate it was accepted and the treaty was very soon afterwards consummated. The president and his cabinet felt that we were surrendering a large and valuable territory to which our title was perfect. Robert J. Walker, secretary of the treasury in the cabinet of President Polk, protested against the treaty, and in 1868, which was after the purchase of Alaska, in a letter published in the Washington City Chronicle, he explained the transaction as follows:

"We own now the whole western Pacific coast from Lower California to the Arctic sea, except British Columbia, which (against my earnest protest in the cabinet) was ceded to England in 1846. I say ceded, for our title to the whole of Oregon, from the forty-second parallel northward to Russian-America, was in truth clear and unquestionable. British Columbia was lost to us by the most unfortunate diplomacy, extending through a long period of time."

Why we so willingly yielded it, Mr. Walker explains in the following:

"The opposition to the acquisition of Louisiana was geographical and anti-slavery. In 1821 Texas was relinquished partly from geographical, but mainly from anti-slavery, opposition. In 1845 the opposition to the annexation of Texas was based mainly upon anti-slavery grounds. In 1846, in connection with the unfortunate action of preceding administrations, Oregon, north of the 49th parallel, was lost to the Union. While the history of annexation in the United States shows various obstacles by which it has been retarded, yet the chief among these was the discordant element of slavery. Thus it was that, while the free states to a great extent opposed the acquisition of slave territory, the slave states opposed the acquisition of free territory. But for these opposing princi-

ples, our area would be far greater than it is now. On extinguishing slavery, we have removed the principal cause which retarded annexation. We see already the good effects of the disappearance of this institution in the almost unanimous vote of the senate by which the Alaska treaty was ratified. Before the extermination of slavery that treaty would have been defeated upon the same principle that Oregon north of the 49th parallel was ceded to England. * * * (Omitting quotations from letters to President Polk).

"This correspondence needs no comment. It is due, however, to my late excellent friend and chief, James K. Polk, to say that he was most sincerely desirous of retaining the whole of Oregon, and only abandoned it when he arrived at the conclusion that congress would not sustain him in the measure.

"It is due to the secretary of state, James Buchanan, to say that he yielded with great reluctance to the sacrifice of any portion of Oregon."

Whether Mr. Walker's statement may now be accepted as the truth of history, or regarded as a mere excuse for the action taken contrary to the pledge upon which the executive power was entrusted to President Polk, is at least an open question. I will not take time to discuss it now. Taken either way, Mr. Walker's explanation serves to emphasize the fact that our government was generous in dividing Oregon by a line proposed by Lord Aberdeen. It was supposed that when this was done a perplexing controversy, which was started during President Jefferson's administration, had been brought to an end, but scarcely had the ink used in signing the treaty time to dry before the Hudson Bay Company renewed the agitation, and soon there were rumors that the British would insist upon a construction of the treaty which would give them the group of islands known as the Haro archipelago, this to be effected by drawing the line from the point where the 49th parallel crosses the middle of the channel which separates the continent from Vancouver island to the eastward of the archipelago and then take a southerly course through Rosario strait, instead of taking the direct southerly course from the line of the 49th parallel through the Canal De Haro. That contention was not finally silenced until the year 1873. It is not extravagant to say that probably it cost our government as much to maintain our rights under the treaty of 1846 as it would have cost us to retain the whole of Oregon up to the line of 54-40. When the

first rumor of this claim was set afloat, our minister at the court of St. James, Hon. George Bancroft, made inquiry concerning it, with the result that the impression became fixed upon his mind that it was only the Hudson's Bay Company that was trying to claim the islands and that the home government would not support any such contention. However, we were not left long to our dream of peace, for with the first proposition made by the British minister at Washington in January, 1848, for a joint commission to fix definitely the water boundary, there was submitted a draft of instructions to the proposed commission to draw the boundary line through Rosario strait. The suggestion for joint instructions was not assented to, but in 1856 commissioners were appointed. The American commissioner was left untrammelled by instructions other than the words of the treaty, but the British commissioner had to act under instructions from his government to claim the middle of Rosaria strait as the proper line, and in case of failure to secure the assent of the American commissioner to that line, then to propose as a compromise a line through an intermediate channel which would give San Juan island, the largest of the group, to the British. The claim and the offer to compromise were both rejected. When asked to define the grounds upon which their claim rested, the representatives of the British government answered that it was based upon the peculiar words of the treaty, taking the middle of the channel, which separates the continent from Vancouver island, instead of adopting phraseology consistent with the idea of separating the smaller body from the greater, that is, separating Vancouver island from the continent. In this we have a rare specimen of the refinement of the tweedle-dee tweedle-dum argument. These distinguished diplomats gravely assumed that there could be a difference between the middle of the channel which separates the continent from Vancouver island and the middle of the channel which separates Vancouver island from the continent. The only evidence as to the intention of the contracting parties offered in support of this remarkable theory was the fact that in drafting his proposal to be submitted to the United States, Lord Aberdeen at first thought of mentioning the Canal De Haro specifically by name, but had rejected that form of words and had deliberately chosen the words which I have quoted, a fact which, if it proves anything, proves that Lord Aberdeen himself had the Canal De Haro in mind as the proper boundary if the British were to be permitted to hold all

of Vancouver island, and that he considered the words chosen to be the exact equivalent of a specific reference to the Canal De Haro by name, and so it will appear to any one who considers the question with the map before his eyes. Of course, the commissioners were unable to complete thier work. Proceedings of the county officers of Whatcom county to enforce payment of the taxes assessed upon property of the Hubson's Bay Company situated upon San Juan island, became the basis of an enormous claim which that company preferred against the United States government for damages, in consequence of which the county officers were subsequently hampered in enforcing the laws upon the island by instructions from President Pierce to Gov. Stevens. But notwithstanding this attempt upon the part of our national government to avoid all occasion for disturbance of peaceful relations, the issue was forced in the year 1859 by a threat on the part of an agent of the Hudson Bay Company to arrest an American citizen on San Juan island and take him to Victoria for trial for having killed a pig belonging to that company, which had annoyed him by rooting in his garden. The American offered to pay a reasonable price for the pig, but he prepared to resist arrest with force and arms, and in response to an appeal from his neighbors made to Gen. Harney, then commanding the military department including Washington territory, for protection, that resolute American officer ordered Capt. Pickett to move his company of American soldiers from Bellingham bay to San Juan island and to protect the American citizens residing there from molestation by British officials. Capt. Pickett very promptly moved his company over to the island and prepared to carry out the further instructions given to him by his superior; thereupon Charles James Griffin, an agent of the Hudson's Bay Company, notified him that the island on which his camp was pitched was the property of and in the occupation of the Hudson's Bay Company, and demanded that he and the whole of his party should immediately cease to occupy the same, and threatened to proceed against him as a trespasser in case of his refusal to comply with his demand. Pickett afterwards immortalized himself by leading the Confederate troops in their great charge on the bloody field of Gettysburg, but he first gained renown by his defiance of the British lion on San Juan island. He said in effect to the agent of the Hudson's Bay Company and afterwards to the captains of the British war-ships Tribune, Plumper and Satellite, that he came to occupy

* This statement has been challenged. I made it relying on my own recollection of the incident. Gov. Ferry's widow and daughter Mrs. Leary support me in maintaining that it is true! C. H. K.

the island with his command pursuant to an order from his commanding general, and that he would remain there until recalled by the same authority, and he gave them all to understand that an attempt to place a British military force on the island would surely precipitate a conflict, for he would not consent to even a temporary joint military occupancy, nor recognize any governmental power upon the island, save the government of the United States. The movements of the British fleet indicated a purpose to drive Pickett from the island, but Gen. Harney, although an old man, was not afraid to shoulder the responsibility of meeting aggressions in a way that might precipitate a war with Great Britain. He met the demonstrations of the fleet by sending a larger body of troops to the island under command of Col. Silas Casey, who, after the landing of his command, sent an apology to the commanding officer of the British vessels for not having landed under the guns of their ships, protesting that no discourtesy was intended, but a storm had made it necessary to land on the opposite side of the island. In this situation matters remained until Gen. Scott, under instructions from the president, arranged for the joint military occupancy of San Juan island, which continued until the final termination of the dispute. Under a provision of the treaty of Washington, made in the year 1871, the question of the proper construction of the treaty of 1846 as to the water boundary between our territory and British Columbia was submitted to Emperor William I. of Germany for his decision as arbitrator, and his decision, rendered in 1873, was in accordance with the plain words and meaning of the treaty as everybody had understood it, from the time it was agreed to, that is to say, the American title to San Juan island and the whole of the Haro archipelago was affirmed. After the emperor's decision had been announced and duly certified to the two governments, nothing remained to complete the adjustment of the boundary question except for the British soldiers to withdraw from San Juan island, but they seemed to have invited themselves to still tarry on American soil, for they did not move until Elisha P. Ferry, governor of Washington territory, notified them firmly and peremptorily to withdraw.* It was a game of bluff from the start, and it is amazing that the British ministry should have ever been induced by the Hudson's Bay Company to play with such a hand.

I have spoken of the policy of the Hudson's Bay Company prior to the treaty of 1846, to keep Americans from gaining a

foothold north of the Columbia river. I will now cite one instance showing the behavior of the company's representatives towards American immigrants. In the fall of 1844 a large party of Americans arrived and camped at Washougal, on the north side of the river, above Vancouver. The party included a number of the most prominent figures in pioneer history, among them being George Bush, from whom Bush prairie, in Thurston county, took its name; Mr. Jesse Ferguson, who, I am glad to say, is now with us on this platform, and Col. Michael T. Simmons. Bush was a colored man, but very intelligent and thrifty, and a generous character; he had rendered valuable financial aid to some of his fellow travelers on the journey, and he always commanded the respect of those who knew him. He came to Oregon, expecting to enjoy greater privileges than were accorded to people of his race in Missouri. It was his intention to accompany his friend Simmons to the Rogue river valley, in Southern Oregon, and settle there, but he found himself proscribed by an act of the provisional legislature, forbidding negroes and mulattoes from living in Oregon. Simmons, for one, was not willing to desert him under the circumstances, and he decided to reconnoiter Puget sound, with a view to changing the destination of his party and settling in this region, should the country appear to be inviting. Acting on this impulse, he applied to the Hudson Bay people at Vancouver to rent a house for his family to live in during the winter. He was received with courtesy, but he did not get the house. The company's agent would have treated him generously, as they did all newcomers, if his destination had been anywhere south of the river, but they refused flatly to shelter his family unless he would abandon the idea of coming to Puget sound. Simmons at once comprehended their reason for their attitude, and his resolute spirit was aroused. The fact that the company objected to the presence of Americans on the north side of the river was in his estimation an additional reason for executing his purpose. He resolved to come, and come he did. For lack of provisions and facilities he failed in his first attempt to cross from the Cowlitz river to the headwaters of Puget sound, but undaunted, he persevered, and finally, in the fall of 1845, he and his party overcame all obstacles and made the first settlement at and near Tumwater. All honor is due to Simmons and Bush and Ferguson, and the intrepid pioneers of their class, who rendered services to our country of the greatest importance, by refusing to be crowded out of any por-

tion of Oregon territory. They left our statesmen no pretext for surrendering Puget sound, on the ground of exclusive occupancy of the country by British subjects. The administration at Washington could not haul down the Stars and Stripes after the pioneers had set our flag on these shores.

Happily, the greed of the Hudson's Bay Company has ceased to menace the peace of nations, but all disputes with our northern neighbors over boundary lines have not been settled. In the year 1867 we purchased Alaska and all its coast line, islands, bays and inlets, with a clear and undisputed title, and the boundary between that country and British Columbia clearly defined by the convention between Russia and Great Britain, made in the year 1825. No question as to the proper construction of the treaty or location of the boundary had ever been suggested and exclusive possession was given to us peaceably, and we retained it peaceably until after the enterprise of our citizens had made good progress in unlocking the wealth of that northern country. Then our Canadian neighbors began making changes in their maps. The boundary, as defined in the third and fourth articles of the convention of 1825, is described as follows:

"Commencing from the southernmost point of the island called Prince of Wales island, which lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133d degrees of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point the line of demarkation shall follow the summit of the mountains parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean.

"IV. With reference to the line of demarkation laid down in the preceding article, it is understood—

"First—That the island called Prince of Wales island shall belong wholly to Russia.

"Second—That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st

degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

This description of the boundary line is about as clear and free from ambiguity as it could possibly be made in the English language, and Senator Charles Sumner was entirely justified in saying, in his great speech advocating the purchase of Alaska, that: "I am glad to begin with what is clear and beyond question. I refer to the boundary fixed by the treaty." In the year 1821 the Russian emperor, by his ukase, excluded foreigners from pursuing commerce, whaling, fishing and all other industries within 100 Italian miles from the coast and on the adjacent lands, down to the 51st parallel. By the treaty made with the United States in 1824, and with Great Britain in 1825, Russia relinquished her claim of jurisdiction south of the line of fifty-four forty, but secured in unmistakable terms confirmation of her claim to the entire coast north of that line, and the key to the correct reading of the description of the boundary in the convention of 1825 is to be found in the words "the limit between the British possessions and the line of the coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the winding of the coast." To make it perfectly clear that the coast line in its entirety and in its integrity should belong to Russia, the range of mountains parallel to the coast was fixed upon as a natural boundary, not the foothills and spurs nearest the coast, but the convention specified that the line of demarkation should follow the summit of the mountains. The object being to secure to Russia only enough land adjacent to the coast to constitute a fence, which should preclude any chance of the British ever gaining any pretext of a right to the possession of any seaport, it was consistently with this object provided that if the summit of the mountains should be found to be more than ten marine leagues distant from the ocean, then and in that case, instead of the summit of the mountains constituting the boundary, the limit of the coast line belonging to Russia shall be formed by a line parallel to and not a greater distance than ten marine leagues from the winding of the coast. It is important to notice that the line from which the distance is to be measured, and which is to be parallel to the boundary line, is not the shore of the

ocean nor the general course of the coast line, but to make assurance doubly sure, the Russians stipulated for a line parallel to the windings of the coast. And it is also to be remembered that the words of important papers like international treaties are to be understood as having been carefully selected to express the exact meaning of the parties to such agreements. The words ocean and coast are not synonymous, and as used in the convention between Russia and Great Britain they refer to different objects. Senator Sumner and the world had a right to suppose that the most ingenious quibbler would never be able to provoke discussion as to any question in regard to the correct reading of this treaty. But without a pretext of right on their side, the Canadians have succeeded in involving our government in a diplomatic controversy with Great Britain over this boundary line. At first the claim was set up that the coast line should be drawn outside—that is, to the seaward—of the chain of islands along the coast, and that in place of the line up the Portland channel, specifically named in the treaty, the boundary should go up Behm canal. By making these few changes the Canadians would have crowded Uncle Sam entirely off the mainland south and east of Cape Spencer. That idea, I believe, has been abandoned, and the latest Canadian pretension which I have heard announced is that the arm of the sea called Lynn canal in fact penetrates into British territory; that is, within the line which follows the summit of the mountains, so that, taking the crest of the mountains as being the boundary line, Lynn canal is territorial water within the confines of Canadian possessions. Manifestly this claim is logically unsound, and it is physically impossible to sustain it. I say physically impossible, because the summit of the mountains is so high above tide level that the canal cannot flow across a boundary which follows the summit; and if the canal divides the mountain range and penetrates the interior through the mountains, then it must necessarily break the continuity of the boundary line. No, if the adjacent mountains are not more than ten marine leagues from the ocean the boundary must follow the summit around the head of the canal, instead of stretching across from the crest on one side of Lynn canal to the crest on the opposite side, because the treaty says "follow the summit;" otherwise the boundary must be laid parallel to the coast line and at a distance not greater than ten marine leagues from it, which will place it near Lake Bennett, where the Russians held the line to be before they sold the country to us.

How can we bring the controversy to an end without a sacrifice? It is to aid in solving this problem that I have recited the history of the controversy with reference to Oregon and the San Juan island imbroglio. But the recital is not complete. It remains to be told how Lord Aberdeen was brought to make a proposal to our government in which he abandoned the British contention for the Columbia river boundary. In the presidential campaign of 1844 the Democratic party declared itself in favor of holding all of Oregon to the line fifty-four-forty or fight, and on the faith of that pledge the Northern states gave enough votes to James K. Polk to defeat Henry Clay. The congress elected at the same time, in fulfillment of the pledge, passed a resolution directing the president to give the notice required to terminate the agreement for joint occupancy. The president accordingly gave the notice and withdrew our offer to compromise on the forty-ninth parallel. On the 22d day of May, 1846, Lord Aberdeen acknowledged receipt of the notice in London, and on the 15th of June the treaty was consummated in Washington. As this was before the existence of the Atlantic cable, you see, results came swiftly when the Americans showed a disposition to be firm in maintaining their rights. There could have been no trouble over San Juan island if there had been no such temporizing policy as appeared when President Pierce instructed Gov. Stevens to restrain the county officers from collecting taxes and enforcing laws on that island. From the history of the past we are taught the lesson that so long as diplomatic discussion can be kept up, and while the United States can be induced to assent to the joint occupancy of her own territory, these controversies cannot be brought to a close. We must make a compromise and a sacrifice, or else, by submitting to arbitration, invite some outsider to give a share of the territory and the commercial advantages, which are rightfully ours, to the Canadians, or else we must do what, under the circumstances, is the right thing to do; that is, to end the discussion by withdrawing all propositions which our government has submitted and rejecting all which have been made to us, and retain the whole of Alaska and its waters, which are now in our possession, and say no more about it. Our right is perfect; we are in possession; it would be foolish and wrong to sacrifice or submit to arbitration the birthright of American citizens who now inhabit the cities on Lynn canal. Three years ago I heard the lord chief justice of England, Lord Russell of Killowen, in an address before the American Bar Association on

* Gen. Anderson, has personally assured me that this statement is true. C. H. H.

the subject of international law and arbitration, speak the following words: "Friend as I am of peace, I would yet affirm that there may be even greater calamities than war—the dishonor of a nation, the triumph of an unrighteous cause, the perpetuation of hopeless and debasing tyranny.

"War is honorable
In those who do their native rights maintain,
In those whose swords an iron barrier are
Between the lawless spoiler and the weak,
But is, in those who draw th' offensive blade
For added power or gain, sordid and despicable."

"Men do not arbitrate where character is at stake, nor will any self-respecting nation readily submit to arbitration on questions touching its national independence or affecting its honor."

And less than a year ago I heard our honored ambassador at London, Joseph H. Choate, in an address before the same association, lend the power of his eloquence in approval of the same sentiment. Said he: "You will remember that only two years ago in this very presence the lord chief justice of England in his admirable discourse before you on arbitration, declared, with your unanimous approval, that there may be even greater calamities than war, and that national dishonor is one of them." It is neither necessary nor wise to suffer American citizens who have acquired rights on Lynn canal, in the same way that the pioneers of Oregon acquired the right to be protected under the American flag, to be continually harassed by negotiations which may eventuate in their being turned over to the cold charity of a foreign power. The American cities of the Pacific coast, entitled to enjoy the advantages of trade with the gold-producing region of the North, are also entitled to some consideration.

There is no question of peace or war involved; the British will carry on diplomatic discussion indefinitely if we permit. I do not question their courage to fight us if we give them just cause for doing so, which I hope we never may, but with no basis in right for such action, they will never attempt to dispossess the Americans on Lynn canal by force. The case might have been very different if the Canadians had ever been permitted to occupy Skagway or Dyea or Haines with a military force, but in 1897, Gen. T. M. Anderson was sent with the Fourteenth infantry in time to head off a movement to steal a march upon us in that direction.* They took possession of ground which is ours between Lake Bennett and the summit,

but we hold the coast line, and we should just keep what we have and stop talking about giving up any part of it. It would be a blunder on the part of President McKinley's administration which posterity will never forgive if, while sending American soldiers to fight and die in maintaining American sovereignty over distant islands, the soil and the seaports in our own possession and the commercial advantages which their possession insures shall be ceded to Canada, or lost through any lack of firmness in maintaining our just rights. Far be it from me to utter a word in disparagement of the course pursued by the administration with respect to the Philippine islands. I believe that events have placed our government in a position where it could not, without absolute cowardice, do otherwise than use the power of the government as President McKinley has been using it during the past year. I am in favor of holding the Philippine islands, at least until there shall be such change of conditions as to indicate that we may safely leave the inhabitants to govern themselves, and that it will be our duty to do so, and I am also in favor of holding all of Alaska and all of its harbors. And, more than that, I want the United States government, without further delay, to provide a good government for the people of Alaska. Besides the rights incident to the mining and fishing industries, and the lines of transportation which serve them, all of which need the protection of reasonable laws, the inhabitants have congregated in towns and cities, families are there, and so far they have been left without the power of legislating for themselves, without efficient courts of justice and without means to provide revenue for maintaining a police service, or provide protection against fire, or supply of wholesome water, or school facilities, or the things necessary for the preservation of the health of the people. Congress provided recently for extorting taxes from the inhabitants of Alaska, for the benefit of the national treasury, but without according to those people either the right of representation or protection. In aid of commerce lighthouses and life-saving stations should be provided at the expense of the general government and the coast survey should be extended. Such benefits when provided are not only locally advantageous, but tend directly to promote national greatness. Petitions for these necessities may not meet with favorable reception at the hands of members of congress representing districts which have been long accustomed ~~be provided at the expense of the general government and the coast survey should be extended. Such benefits when provided are not only locally advantageous, but tend directly to promote~~

frontier
~~national greatness. Petitions for these necessities may not meet with favorable reception at the hands of members of congress representing districts which have been long accustomed to receive an undue share of appropriations from the national treasury.~~ We know by experience how requests of this nature sent in from the interior have been misunderstood, as if the people who preferred them were mere beggars, never satisfied, but always calling for more. I remember to have heard when our pioneer friend, Judge Jacobs, was delegate to congress, that on one occasion his representations of the needs of this section were answered by a congressman in this manner—the M. C. said: “These territories are just like spoiled children, they are always crying for what they should not have. They deserve to be spanked.” This class of obstructionists only try our patience. They may retard, but they cannot prevent the growth of commerce or the upbuilding of new states. Ours is the best government on earth. The sense of justice is strong in the American people, and when this sentiment shall have been appealed to, they will insist that congress shall do right by the people of Alaska. My confidence was strengthened when I read, in the reports of Memorial day exercises in various places, the remarks made at Brooklyn by Gov. Roosevelt. After referring to existing conditions in Alaska, he said: “Every good citizen should bow his head in shame that such a request should be made because of the neglect of the United States government. Let every man do all in his power, and with all his force, to see that every colony over which the flag waves be governed so that the people will believe it to be a great thing to live under that flag.”

As my conclusion to this address I will offer some resolutions which it will please me to have this Association of Washington Pioneers adopt:

“Resolved, By the pioneers of the state of Washington, assembled at their annual reunion, that we commend to the attention of all the people of the United States the sentiment expressed by Gov. Roosevelt, of New York, in his address on last Memorial day, in favor of good government for Alaska, and all American colonies, and that our thanks are hereby tendered to him for his declaration on that subject.

“Resolved, That the United States should hold all of Alaska, including its harbors, with boundaries as we received it from Russia.

“Resolved, That the people of Alaska are entitled to have good government inaugurated speedily, and we ask congress to so provide.”

